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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

TAOUSAKIS, ALEXANDER P

ART UNIT	PAPER NUMBER
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3726

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12/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,382	Applicant(s) JUST ET AL.	
	Examiner ALEXANDER P. TAOUSAKIS	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, Claims 1-7 in the reply filed on 10/1/2008 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (4,720,133) in view of Higgins (6,513,407)

1. Alexander et al teach a method of making a top stack linkage for a convertible top for a vehicle, comprising: assembling a front rail portion (31), side rails (12) and links together with a plurality of bows (20, 22, 24, 26, 28) to form the top stack linkage for the convertible top (*see Figure 1*).

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Alexander et al fails to teach molding magnesium in a thixotropic molding process to form a one bow including a front rail portion, a plurality of side rails, and a plurality of links.

Higgins teaches a Thixotropic molding process to mold a structural component for a motor vehicle (*see column 1 lines 7-11 and column 5 lines 1-7*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce front rail portion, side rails, links and bows of Alexander et al using a Thixotropic molding process, as taught by Higgins, because it produces components that are lighter, less expensive and have better surface finish.

2.

Alexander et al/Higgins teach the method of claim 1 further comprising molding magnesium in a thixotropic molding process to form a plurality of end portions of a plurality of transversely extending bows, providing a central portion (31) on the front crossbow (2) and assembling the end portions of the bows to the assembly (*see Alexander et al column 4 lines 33-37, where it discloses that front bow has central portion 31, and Figure 1 which shows the assembled bows*).

Alexander et al/Higgins fail to teach providing a plurality of central portions (31) of the each of the plurality of bows, and assembling two of the end portions to each of the central portions to form the plurality of bows.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide all the bows of Alexander et al with central portions because it will enhance the strength of the bows, thereby improve the lifetime of the assembly as a whole.

4.

Alexander et al/Higgins teach the method of claim 1 wherein the molding step further includes molding a plurality of fastener bosses (116), reinforcing ribs (32, 96, 106, 84) and pivot pin retainers (46, 62, 66) (*see column 4 lines 50-51, where it discloses that the pivot pin is retained in bracket 46, see Figure 2b, which shows pivot pin at link 68 retained in links 62,66, see Figure 2b where it shows the reinforcing ribs, see column 6 lines 20-23, where it discloses the fastener bosses 116, and note that only one side is shown in Figure 2b*), but fails to teach the bosses, ribs and pivot pin retainers on the front rail portion, the plurality of side rails, and the plurality of links.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the front rail portion, side rails and links with bosses, ribs, and pin retainers, as bosses and ribs provide added strength to the connection of the links and other components of the top stack linkage assembly, and pivot pin retainers will ensure that the pivot pins stay in their respective positions.

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5.

Alexander et al/Higgins teach the method of claim 1 wherein the molding step further comprises molding a rear rail (90) and at least one pressure link (172) (*see Figures 2a, 2b and column 7 lines 39-42, where it discloses that the pressure link 172 is connected directly to a pressurized cylinder*).

6. Alexander et al/Higgins teach the method of claim 1 wherein the side rails include a center rail (31) and a rear rail (90) (*see Figures 1 and 2b*).

7. Alexander et al/Higgins teach the method of claim 1 wherein the links include a scissor link, control link (72), pivot link, and a pressure link (172) (*see Figure 2b*).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (4,720,133) in view of Higgins (6,513,407) as applied to claim 2 above, further in view of Aydt et al (5,829,821)

3. Alexander et al/Higgins teach the method of claim 2 but fail to teach extruding the central portions of the bows in an aluminum extrusion process.

Aydt et al teaches extruding bow portions of a top linkage assembly in an aluminum extrusion process.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extrude the central portions (31) of the bows of Alexander et al, as taught

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by Aydt et al, because it will produce a central portion that is lightweight and has good strength characteristics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER P. TAOUSAKIS whose telephone number is (571)272-3497. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander P Taousakis
Examiner
Art Unit 3726

/A. P. T./
Examiner, Art Unit 3726

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726